

REMARKS/ARGUMENTS

The Office Action mailed February 20, 2009 has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1, 3, 5-16, and 39-47 are pending in this Application. Claims 1, 3, 5-6, 10, 13-14, 16, 39-42, and 46 have been amended and claims 2, 4, 17-38, 48-50 have been cancelled. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application. The claim rejections within the Office Action are summarized as follows:

- Claim 42 and its dependent claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
- Claims 41 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.
- Claims 1, 3-8, 10, 12-16, 38-40 and 42-47, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Patent No. 5,850,218), hereinafter referred to as LaJoie, and Russ et al. (US Application No. 2004/0060063), hereinafter referred to as Russ.
- Claims 2 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Russ in view of Potrebic et al. (U.S. Application No. 2006/0294548), hereinafter referred to as Potrebic.
- Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Russ in further view of Boston (U.S. Application No. 2004/0091236), hereinafter referred to as Boston.
- Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Russ in further view of DeWeese (U.S. Application No. 2005/0262542), hereinafter referred to as DeWeese.
- Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Russ in further view of Matthews III (U.S. Patent No. 5,815,145), hereinafter referred to as Matthews III.

Rejection under 35 U.S.C. § 101

Claim 42 has been modified to include only “computer-readable medium” language to avoid the asserted ambiguity associated with the relationship between “computer-readable medium” and “computer product.” As such, reconsideration and allowance of claim 42 and its dependent claims are respectfully requested.

Rejection under 35 U.S.C. § 112

The Office on page 6 alleges that claims 41 and 48 fail to meet the written description requirement. The Office asserts that the Application does not disclose showing windows in which static images of episodes are displayed. Further, the Office asserts that elements 60 and 64 from Figure 2 of the Application may be series data and not episode data. Section 2163 of the MPEP states: “to satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” Section 2163 of the MPEP further states that “an applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.”

Applicants submit that the written description requirement is satisfied because Figures 2 and 4 in conjunction with various paragraphs from the specification describe “simultaneously displaying preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode,” as claimed in claim 41. For instance, page 11, lines 26-27 of the Application states that “PREVIEW button 214 can be actuated to play a preview in display portion 204, instead of viewing only the static image.” Thus, the Application teaches previewing both actuated and static images. Moreover, page 8, lines 7-10 of the Application states that “the designations and classifications for the various series and episodes can be provided by media source 20, and, in

particular, the head-end, such that the content of data can be programmable by media source 20 and downloaded to STB 16.” In addition, the Applicant submits that a series inherently consists of at least one episode, and therefore, elements 60 and 64 from Figures 2 may consist of episode data.

Therefore, one skilled in the art would reasonably conclude that the inventor had possession of the invention recited in claim 41, and, for example, that the display portion 204 displays “preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode,” as claimed. Reconsideration and allowance of claim 41 is respectfully requested. Claim 48 has been cancelled, thus rendering this rejection moot.

Rejections under 35 U.S.C. § 103

Independent claim 46 has been amended to recite, among other things:

“displaying, in display windows, episode descriptions for a plurality of episodes available on-demand for the selected episodic series title, wherein the displayed episode descriptions each at least include a title and synopsis for the corresponding episode.”

Neither LaJoie nor Russ, alone or in combination, teaches or suggests at least this feature of independent claim 46. While LaJoie does describe an electronic program guide, the guide of LaJoie only shows episode descriptions for a variety of themes, such as “Sports” or “News.” (See LaJoie at Figure 20). The layout of LaJoie is such that certain themes or channels are used to select a particular episode. Thus, LaJoie does not teach or suggest “displaying, in display windows, episode descriptions for a plurality of episodes available on-demand for the selected episodic series title;” instead, LaJoie describes the display of episode descriptions for a selected theme. The themes of LaJoie are not equivalent to the episodic series titles of the Application because the themes from LaJoie clearly include episodes from different episodic series (see, for example, Figure 20 where the theme Sports includes “All About Drag Racing,” “CBS Sports Special,” etc.) In addition, the descriptions shown in Russ (see Russ at Figure 16) do not include

an episodic title and do not allow for access based on the “selected episodic series title.” The selection process of Russ only teaches the display of a generic series title such as “Barney” or “CNN.” Therefore, neither LaJoie nor Russ, alone or in combination, offer the advantage of “displaying, in display windows, episode descriptions for a plurality of episodes available on-demand for the selected episodic series title,” as claimed. None of the other references (Potrebic, Boston, Deweese, Matthews III) cure these deficiencies in LaJoie and Russ.

For at least these reasons, Applicant submits that independent claim 46 distinguishes over the references of record and is in condition for allowance. Claims 3, 5-16, 39-41, and 47, as amended, depend from claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

Independent claim 1 has been amended to recite, among other things:

“displaying additional windows in the small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streaming on-demand episode is still visible.”

Neither LaJoie nor Russ, alone or in combination, teaches or suggests at least this feature of independent claim 1. The EPG method of LaJoie shows a “program viewing window 340” (See Figure 16 of LaJoie) and several other windows displaying content such as channel, date and time information, but does not show “additional windows in the small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window,” as claimed. Similarly, the PVR listing system of Russ includes a video area (see Figure 4, item 430 of Russ) and other information such as “display channel number” and “service name (e.g., Cartoon Network),” (See Russ at page 7, paragraph 82) but none of this information teaches or suggests “displaying additional windows in the small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streaming on-demand episode is still visible,” as claimed. None of the other references (Potrebic, Boston, Deweese, Matthews III) cure these deficiencies in LaJoie and Russ.

For at least these reasons, Applicant submits that independent claim 1 distinguishes over the references of record and is in condition for allowance. Independent claim 42 recites similar features to those of independent claim 1; hence, Applicant submits that independent claim 42 distinguishes over the references of record and is in condition for allowance for similar reasons given in support of claim 1. Claims 43-45 depend from independent claim 42 and are distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein.

Appln. No.: 10/823,869
Amendment dated June 22, 2009
Reply to Office Action of February 20, 2009

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

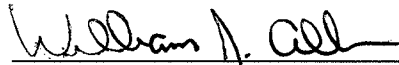
All rejections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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Dated: June 22, 2009

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